

## REMARKS

Claims 1-20 are pending in this application.  
Claims 8-11 and 20 are withdrawn from consideration.  
Applicant has amended Claims 1-19. Applicant respectfully submits that the amendments to each of Claims 1-19 do not contain new matter.

Applicant has also deleted the Abstract Of The Disclosure and has substituted therefor the new Abstract Of The Disclosure which is attached hereto on a separate sheet. Applicant respectfully submits that the new Abstract Of The Disclosure does not contain new matter.

Based on the foregoing amendments and the following Remarks, the application is deemed to be in condition for allowance and action to that end is respectfully requested.

### I. DEFINITIONS:

Applicant uses the phrase "at least one of . . . and . . ." in certain of the claims. In each instance, the phrase "at least one of . . . and . . ." means only one item from the list, or any combination of items in the list.

Applicant respectfully submits that the phrase having the form "at least one of A and B", where each of A and B is either a term or a phrase, the phrase "at least one of A and B" means "only A, only B, or A and B". In instances in which three or more terms and/or phrases are present in an "at least one of . . . and . . ." phrase, Applicant provides the following example definitions: the phrase "at least one of A, B, and C" means "only A, only B, only C, or any combination of A, B, and C"; the phrase "at least one of A, B, C, and D" means "only A, only B, only C, only D, or any combination of A, B, C, and D"; the phrase "at least one of A, B, C, D, and E" means "only A, only B, only C, only D, only E, or any combination of A, B, C, D, and E", and so on.

For example, in Claim 1, the phrase "at least one of a ticket for a remaining portion of an event and a ticket option for a remaining portion of an event" means "only a ticket for a remaining portion of an event, only a ticket option for a remaining portion of an event, or a ticket for a remaining portion of an event and a ticket option for a remaining portion of an event".

## II. THE 35 U.S.C. §112 OBJECTIONS AND "FORMAL MATTERS":

The Examiner objected to Claims 1-7 and 12-19 under 35 U.S.C. §112, second paragraph, "as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." The Examiner also noted that "Throughout the claims, Applicant uses a functional language following a descriptor. Is it applicant's intention to invoke 112 6<sup>th</sup> paragraph or not?"

Applicant respectfully submits that it is not Applicant's intention to invoke 35 U.S.C. §112, sixth paragraph. Applicant has amended each of Claims 1 and 2. Applicant respectfully submits that 35 U.S.C. §112, sixth paragraph, is not invoked by Claims 1 and 2, as amended.

As noted above, Applicant has amended Claims 1-19 so as to more clearly distinguish the present invention, as defined by Claims 1-19, over the prior art and so as to place each of Claims 1-19 in better form for consideration. Applicant respectfully submits that the amendments to Claims 1-19 do not contain new matter.

Applicant respectfully submits that Claims 1-7 and 12-19, as amended, are in compliance with 35 U.S.C. §112. Applicant respectfully requests that the Examiner's objection to Claims 1-7 and 12-19 be withdrawn.

**III. THE 35 U.S.C. §102 REJECTIONS:**

The Examiner asserts that Claims 1-7 and 12-19 are rejected under 35 U.S.C. §102(e) as being anticipated by Nakfoor, U.S. Patent No. 6,496,809 (Nakfoor).

As noted above, Applicant has amended Claims 1-19. Applicant has amended independent Claim 1 so as to more clearly distinguish the present invention, as defined by independent Claim 1, over the prior art. Applicant has also amended each of Claims 1-19 so as to place each of Claims 1-19 in better form for consideration. Applicant respectfully submits that the amendments to Claims 1-19 do not contain new matter.

Applicant respectfully submits that the present invention, as defined by Claims 1-7 and 12-19, is patentable over the prior art.

**III. THE PRESENT INVENTION, AS DEFINED BY CLAIMS 1-7 and 12-19, IS PATENTABLE OVER THE PRIOR ART:**

Applicant respectfully submits that the present invention, as defined by Claims 1-7 and 12-19, is patentable over the prior art. Applicant respectfully submits that the present invention, as defined by independent Claim 1, is patentable over the prior art.

Applicant submits that the present invention, as defined by independent Claim 1, is patentable over Nakfoor. Applicant respectfully submits that Nakfoor does not disclose or suggest many of the specifically recited features of independent Claim 1 and, therefore, Nakfoor does not disclose or suggest all of the features of independent Claim 1.

Applicant respectfully submits that Nakfoor does not disclose or suggest an apparatus for selling a ticket and/or a ticket option, comprising a memory device, wherein the memory device stores information regarding at least one of a ticket for a remaining portion of an event and a ticket option for a remaining portion of an event, all of which features are specifically recited features of independent Claim 1.

Applicant respectfully submits that Nakfoor does not disclose or suggest information regarding at least one of a ticket for a remaining portion of an event and a ticket option for a remaining portion of an event. Applicant further submits that Nakfoor does not disclose or suggest the recited memory device which stores the recited information regarding at least one of a ticket for a remaining portion of an event and a ticket option for a remaining portion of an event.

Applicant respectfully submits that Nakfoor does not disclose or suggest a processor, wherein the processor processes at least one of a ticket request and a ticket option request for at least one of a ticket for a remaining portion of an event and a ticket option for a remaining portion of an event, wherein the processor processes the at least one of a ticket request and a ticket option request in conjunction with the information stored in the memory device, wherein the processor generates at least one of a ticket availability message and a ticket option availability message, all of which features are still other specifically recited features of independent Claim 1.

Applicant respectfully submits that Nakfoor does not disclose or suggest the recited processor which processes the

recited at least one of a ticket request and a ticket option request for at least one of a ticket for a remaining portion of an event and a ticket option for a remaining portion of an event. Applicant further submits that Nakfoor does not disclose or suggest the recited processor which processes the recited at least one of a ticket request and a ticket option request in conjunction with the recited information stored in the recited memory device and which generates the recited at least one of a ticket availability message and a ticket option availability message.

Applicant respectfully submits that Nakfoor does not disclose or suggest a transmitter, wherein the transmitter transmits the at least one of a ticket availability message and a ticket option availability message to a communication device associated with a user, all of which features are still other specifically recited features of independent Claim 1.

Applicant respectfully submits that Nakfoor does not disclose or suggest the recited transmitter which transmits the recited at least one of a ticket availability message and a ticket option availability message to the recited communication device.

In view of the foregoing, Applicant respectfully submits that Nakfoor does not disclose or suggest many of the specifically recited features of independent Claim 1 and, therefore, Nakfoor does not disclose or suggest all of the features of independent Claim 1.

In view of the foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 1, is patentable over Nakfoor. In view of the foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 1, is patentable over the prior art. Allowance of independent Claim 1 is, therefore, respectfully requested.

Applicant further submits that Claims 2-7 and 12-19, which Claims 2-7 and 12-19 depend either directly or indirectly from independent Claim 1, so as to include all of the limitations of independent Claim 1, are also patentable over the prior art as said claims 2-7 and 12-19 depend from allowable subject matter.

Regarding Claim 2, Applicant respectfully submits that Nakfoor does not disclose or suggest the apparatus of claim 1, further comprising a receiver, wherein the receiver



receives at least one of the ticket request and the ticket option request.

Regarding Claim 3, Applicant respectfully submits that Nakfoor does not disclose or suggest the apparatus of claim 2, wherein the receiver receives a response from the communication device.

Regarding Claim 4, Applicant respectfully submits that Nakfoor does not disclose or suggest the apparatus of claim 3, wherein the response contains information regarding a request to purchase at least one of the ticket and the ticket option.

Regarding Claim 5, Applicant respectfully submits that Nakfoor does not disclose or suggest the apparatus of claim 3, wherein the processor processes the response and at least one of processes a transaction involving at least one of the ticket and the ticket option and consummates a transaction involving at least one of the ticket and the ticket option.

Regarding Claim 6, Applicant respectfully submits that Nakfoor does not disclose or suggest the apparatus of

claim 5, wherein the processor effects a financial transaction involving at least one of the ticket and the ticket option.

Regarding Claim 7, Applicant respectfully submits that Nakfoor does not disclose or suggest the apparatus of claim 5, wherein the processor at least one of monitors, records, and stores, information regarding the transaction involving at least one of the ticket and the ticket option.

Regarding Claim 12, Applicant respectfully submits that Nakfoor does not disclose or suggest the apparatus of claim 1, wherein the apparatus operates on, over, or in conjunction with, at least one of the Internet, the World Wide Web, a telephone network, a telecommunication network, a digital communication network, a satellite communication network, a wireless communication network, a personal communication services network, a broadband communication network, and a bluetooth communication network.

Regarding Claim 13, Applicant respectfully submits that Nakfoor does not disclose or suggest the apparatus of claim 1, wherein the communication device is at least one of a computer, a computer system, a group of computers, a

telephone, a personal computer, a wireless telephone, a wireless communication device, a personal digital assistant, a video telephone, a personal communication device, a wireless device, a handheld device, a palm-top device, a kiosk, a public kiosk, a public computer terminal, and an automated teller machine.

Regarding Claim 14, Applicant respectfully submits that Nakfoor does not disclose or suggest the apparatus of claim 1, wherein the at least one of a ticket availability message and a ticket option availability message contains information regarding at least one of a ticket, tickets, the location of a ticket, the location of tickets, the price of a ticket, the price of tickets, at least one of a video clip and a video image of a view from a ticket location, at least one of a video clip and a video image of a view from a location of tickets, and at least one of a term and a condition for selling a ticket or tickets.

Regarding Claim 15, Applicant respectfully submits that Nakfoor does not disclose or suggest the apparatus of claim 10, wherein the notification message contains information regarding at least one of a ticket sold, tickets sold, a ticket option sold, and ticket options sold, and a

price received for at least one of the ticket, the tickets sold, the ticket option sold, and the ticket options sold.

Regarding Claim 16, Applicant respectfully submits that Nakfoor does not disclose or suggest the apparatus of claim 1, wherein the at least one of the ticket availability message and the ticket option availability message is at least one of a beeper message, a pager message, an instant messaging message, a telephone call, a telephone message, an e-mail message, and an electronic data transmission.

Regarding Claim 17, Applicant respectfully submits that Nakfoor does not disclose or suggest the apparatus of claim 1, wherein the notification message is at least one of a beeper message, a pager message, an instant messaging message, a telephone call, a telephone message, an e-mail message, and an electronic data transmission.

Regarding Claim 18, Applicant respectfully submits that Nakfoor does not disclose or suggest the apparatus of claim 1, wherein the transmitter transmits at least one of ticket information, ticket option information, electronic ticket information, and electronic ticket option information, to the communication device.

Regarding Claim 19, Applicant respectfully submits that Nakfoor does not disclose or suggest the apparatus of claim 18, wherein the communication device at least one of outputs, prints, and displays at least one of ticket information, ticket option information, electronic ticket information, and electronic ticket option information.

In view of the foregoing, Applicant respectfully submits that dependent Claims 2-7 and 12-19 are patentable over Nakfoor. In view of the foregoing, Applicant respectfully submits that dependent Claims 2-7 and 12-19 are patentable over the prior art.

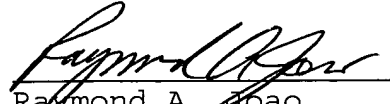
Allowance of Claims 1-7 and 12-19 is, therefore, respectfully requested.

#### **IV. CONCLUSION:**

In view of the foregoing, the application is deemed to be in condition for allowance and action to that end is

respectfully requested. Allowance of pending Claims 1-7 and 12-19 is respectfully requested.

Respectfully Submitted,

  
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Encls.: - Abstract of the Disclosure  
- Return Receipt Postcard

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